

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>MARTELL JOHNSON,</b>	:	
<b>Petitioner,</b>	:	
<b>v.</b>	:	<b>CIVIL NO. 08-5721</b>
<b>UNITED STATES OF AMERICA,</b>	:	<b>CRIMINAL NO. 99-155</b>
<b>Respondent.</b>	:	
	:	
	:	

## ORDER

**AND NOW**, this 28th day of December, 2009, upon consideration of Petitioner’s Habeas Corpus Motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 [Doc. No. 39], the Government’s Response [Doc. No. 42], and Petitioner’s Traverse in Opposition [Doc. No. 43], it is hereby **ORDERED** that Petitioner’s Motion is **DENIED** as untimely. It is further **ORDERED** that Petitioner’s Motion for Addendum [Doc. No. 41] is hereby **DISMISSED** as moot.

The Court finds no ground upon which to issue a certificate of appeal, as Petitioner has not made a substantial showing of the denial of a constitutional right.

The Clerk of the Court is directed to **CLOSE** this case. It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

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**CYNTHIA M. RUFÉ, J.**